

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BREAC A. STEWART,

Defendant.

8:14CR288

ORDER

This matter is before the court on the motion for an extension of time by defendant Breac A. Stewart (Stewart) (Filing No. 34). Stewart seeks until February 10, 2015, in which to file pretrial motions in accordance with the progression order. Stewart's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Stewart's motion for an extension of time (Filing No. 34) is granted. Stewart is given until **on or before February 10, 2015**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between December 22, 2014, and February 10, 2015**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 22nd day of December, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge